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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,951	04/03/2001	James Ching-Liang Huang	71795/10961	1569

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LAUBSCHER SEVERSON  
1160 SPA RD  
SUITE 2B  
ANNAPOLIS, MD 21403

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/824,951

Applicant(s)

HUANG, JAMES CHING-LIANG

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 71-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 71-78 is/are allowed.
- 6) ☒ Claim(s) 79-83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Action is in response to RCE and amendment filed on 10/12/2005. Claims 1-70 have been canceled.
2. Claims 71-83 are presented for examination.
3. Claims 71-78 are allowed.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 79 and 81-83 are rejected under 35 U.S.C. 102(e) as being anticipated by Nederveen et al. (US 6,853,623), hereinafter Nederveen.
6. As to claim 79, Nederveen discloses the invention as claimed, including a stacked switch system (300, fig. 3) having a plurality of switches (300A-300C, fig. 3), at least two switches in the stack each having at least one external port for communication

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with network entities outside of the stack (col. 6, lines 14-28), each of the plurality of switches comprising:

at least one stack port for communication with at least another one of the plurality of switches in the stack (310A-310C, fig. 3; col. 8, lines 43-67);

means for maintaining a local switch database, the local switch database comprising MAC address and external port identification associates of MAC addresses learned by the switch locally (col. 3, lines 38-47; col. 7, lines 30-58); and

means for maintaining a remote switch database, the remote switch database comprising MAC address and switch node identification associates of addresses learned through another switch in the stack (the information gathered by the entity may be provided to another network entity in order to permit the other entity to use that information in managing the network; col. 4, lines 50-67; col. 12, lines 21-32).

7. As to claims 81 and 82, Nederveen discloses means for broadcasting an address newly learned by a switch in the stack to all other switches in the stack via stack ports (col. 3, lines 12-30; col. 6, line 58 – col. 7, line 19; col. 7, lines 41-58).

8. As to claim 83, Nederveen discloses means for maintaining a switch identification table containing the switch identification of switches in the stacked switch system and corresponding stack ports employed to reach corresponding switches in the stack (switch ID; col. 7, lines 41-58; corresponding stack ports; col. 9, lines 25-34; col. 10, lines 2-13).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 80 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nederveen, in view of Schnell (US 5,923,654).

11. Schnell has been cited by the examiner in a previous Office Action.

12. As to claim 80, Nederveen discloses broadcasting the packet via stack ports to all other switches in the stacked switch system (col. 3, lines 12-30; the information gathered by the entity may be provided to another network entity in order to permit the other entity to use that information in managing the network; col. 4, lines 50-67; col. 6, line 58 – col. 7, line 19). Nederveen does not explicitly disclose broadcasting a packet with an address not present in either one of the local switch database and the remote switch database. However, Schnell discloses broadcasting a packet with an address not present in either one of the local switch database and the remote switch database (col. 11, lines 5-27). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nederveen by broadcasting a packet with address not in the

switch databases for the purpose of discovering the unidentified address (col. 11, lines 5-27).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Fine et al, patent 6,188,694, Ding et al, patent 6,981,034, Sugihara, patent 6,785,272 disclose a method and apparatus for controlling intelligent stacked switching system.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free).

*Jungwon Chang*

Jungwon Chang

January 20, 2006